

## Message Text

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ORIGIN ARA-06

INFO OCT-01 SS-14 ISO-00 L-01 OES-02 NSC-05 NSCE-00 SSO-00

INR-05 INRE-00 IO-03 OFA-01 EB-03 PM-03 DODE-00

CIAE-00 /044 R

DRAFTED BY ARA:BR:RELTZ:PM/SAS:GSWEANY:LK

APPROVED BY ARA:BR:RWZIMMERMANN

DOD/ISA:JBILLINGS(PHONE)

L/ARA:DGANTZ

DOD/ISA:RLYLE(PHONE)

ARA/PLC:AWILLIANS

L/PM:TBORCH

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O 260055Z APR 75

FM SECSTATE WASHDC

TO AMEMBASSY BRASILIA IMMEDIATE

INFO USCINCSO IMMEDIATE

CONFIDENTIAL STATE 097109

LIMDIS

E.O. 11652: GDS

TAGS: MASS, PLOS, PFOR, BR

SUBJECT: FOREIGN MILITARY SALES TO BRAZIL

REF: A) STATE 79224; B) BRASILIA 2971 (BOTH BEING REPEATED  
ED USCINCSO)

JOINT STATE/DEFENSE MESSAGE

1. DEPARTMENT HAS INFORMED DOD OF THE APPLICABILITY OF SECTION 3(B) OF THE FOREIGN MILITARY SALESACT, AS AMENDED, (FMSA) TO THE SEIZURE OF TWO US FISHING VESSELS BY THE GOB ON MARCH 22, AND HAS REQUESTED THAT NO CONFIDENTIAL

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NEW LETTERS OF OFFER FOR FMS SALES, SALES AGREEMENTS,

RELATED COMMITMENTS, OR PRICE AND AVAILABILITY DATA BE ISSUED TO GOB UNTIL FURTHER NOTICE. ALTHOUGH EMBASSY HAS INFORMED BRAZILIAN FOREIGN MINISTRY IN LOW KEY FASHION OF APPLICABILITY OF SECTION 3(B) OF FMSA (REFTELS), STATE AND DEFENSE HAVE GENERALLY BEEN HOLDING THIS INFORMATION ON A CONFIDENTIAL BASIS, AND IN RESPONSES TO QUERIES FROM NON-USG ENTITIES ON SALES TO BRAZIL HAVE BEEN AVOIDING REFERENCE TO THIS MATTER IF POSSIBLE.

2. BY SEPARATE DOD (NAVY) MESSAGE MILGP BRAZIL WILL RECEIVE NOTIFICATION THAT USG UNABLE TO TENDER FMS LETTERS

TO PROVIDE SCHEDULED DEPOT LEVEL MAINTENANCE TRAINING FOR S2EAIRCRAFT IN JACKSONVILLE, FLA, BEGINNING IN MAY, AS WE HAD EARLIER PLANNED AND HAD INFORMED GOB. THIS IS FIRST CONCRETE EXAMPLE OF INABILITY TO ISSUE LETTER OF OFFER TO BRAZIL, OCCASIONED BY APPLICATION OF SECTION 3(B) OF FMSA. IN EXPLAINING OUR INABILITY TO ISSUE LETTER OF OFFER IN THIS AND LIKE INSTANCES WHICH MAY FOLLOW IN NEAR FUTURE, ADDRESSEES ARE AUTHORIZED TO DRAW ON FOLLOWING GUIDANCE: THE PROHIBITION ON MILITARY SALES AND CREDITS UNDER SECTION 3(B) OF THE FMSA COMES INTO PLAY AUTOMATICALLY AS A RESULT OF SEIZURES OF US BOATS IN AREAS THE US REGARDS AS HIGH SEAS. THUS THE MARCH 22 FISHING INCIDENT GIVES US SERIOUS PROBLEMS BECAUSE OF STATUTES BINDING ON THE USG, AS WELL AS FOR LAW OF THE SEA POLICY REASONS. WE VALUE HIGHLY OUR FRIENDLY RELATIONS WITH BRAZIL AND PREFER TO AVOID APPLICATION OF SUCH MEASURES TO THE EXTENT LEGALLY POSSIBLE AND TO PREVENT THE MATTER FROM BECOMING AN ISSUE BETWEEN OUR TWO GOVERNMENTS. THE QUESTION OF SECTION 3(B) OF THE FOREIGN MILITARY SALES ACT IS UNDER STUDY IN THE EXECUTIVE BRANCH AND WE ARE HOPEFUL WE MAY BE ABLE TO RESCHEDULE THIS TRAINING WITHOUT TOO GREAT A DELAY

3. FYI ONLY: A REQUEST FOR PRESIDENTIAL DETERMINATION WAIVING SUSPENSION IS BEING CLEARED IN STATE AND OTHER AGENCIES AND WE HOPE IT WILL GO FORWARD TO THE PRESIDENT WITHIN THE NEXT WEEK. END FYI ONLY. KISSINGER

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NNN

## Message Attributes

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**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
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**To:** BRASILIA  
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